

REMARKS

The Official Action mailed February 29, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 20, 2004; September 3, 2004; September 14, 2004; August 11, 2005; April 21, 2006; November 9, 2006; and November 8, 2007.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 24-43 were pending in the present application prior to the above amendment. Dependent claims 34-38 have been canceled without prejudice or disclaimer; independent claims 24, 25 and 27-31 and dependent claim 32 have been amended to better recite the features of the present invention; and new dependent claims 44-49 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 24-33 and 39-49 are now pending in the present application, of which claims 24, 25 and 27-31 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects independent claim 24 and dependent claims 26 and 33 as obvious based on the combination of U.S. Publication No. 2005/0245007 to Azami and U.S. Patent No. 6,700,096 to Yamazaki '096. The Official Action rejects independent claims 25 and 27-31 and dependent claims 26 and 32-38 as obvious based on the combination of U.S. Patent No. 6,506,635 to Yamazaki '635 and Yamazaki '096. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 24, 25 and 27-31 have been amended to recite that a means for blocking an energy beam is a light-blocking plate (previously recited in claims 34-38) provided over a crystalline semiconductor film so as to have a distance of 1 cm or less in between, which is supported in the present specification, for example, by previously pending claims 34-38, Figure 1 and the disclosure at page 12, lines 25-28. The Applicant respectfully submits that Yamazaki '096 and '635, either alone or in combination, do not teach or suggest a means for blocking an energy beam is a light-blocking plate provided over a crystalline semiconductor film so as to have a distance of 1 cm or less in between; or a position of a means for blocking an energy beam.

Also, at this opportunity, the Applicant has removed the term "output continuously" from previously pending claims 24, 25 and 27-32. New dependent claims


44-49 have been added, which recite "the energy beam is output continuously from a laser." Under the doctrine of claim differentiation, dependent claims 44-49 make clear that, in interpreting their respective independent claims, the energy beam should not be restricted to a continuous wave (CW) beam. These features are supported in the present specification, for example, by Embodiment Mode 6. Further, claim 32 has been amended to correct a minor typographical error.

Since Yamazaki '096 and '635 do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 44-49 have been added to recite additional protection to which the Applicant is entitled. The features of claims 44-49 are supported in the present specification, for example, by Embodiment Mode 6. For the reasons stated above, the Applicant respectfully submits that new claims 44-49 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789